

## Interim Report of the Board of Directors

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Director, New York Bureau of Weights & Measures

### Introduction

The Board of Directors (BOD) held their quarterly Board of Directors meeting on Saturday, January 11, 2003, and continued the meeting via work sessions during the remainder of the Interim Meeting, January 12-15, 2003, held in Jacksonville, FL. The Board and NTEP Committee invited the membership to dialogue with them during the open hearings on four mega issues: Conformity Assessment, NCWM Organizational Structure, the National Training Program, and OIML.

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### Conformity Assessment

The Board reviewed and discussed the comments received during the open hearing on this topic. The comments received centered on the expiration time of five years for Certificates of Conformance, quantity of evaluation required, and the role of the states in initial verification. Information was provided that both the EU and Australia send out a questionnaire to initiate the review process. The questionnaire is completed by the Certificate holder and then reviewed by the issuing body. Discussion next centered on if the date should be a review date and not an expiration date. The period of ten years instead of five was discussed. A phase-in period was also discussed.

In its deliberations the Board discussed the many comments received on this issue and made some decisions on its next steps. The Board decided to assign the task of drafting a proposed revision to the Publication 14 Administrative Procedures section on Conformity Assessment to a small work group within the Board. The Board will develop a final draft and distribute it for comment prior to the Annual Meeting in July. The Board will consider all comments received before making its decisions on changes to Publication 14. Since this is only a change to Publication 14, there will be no general membership vote on the item.

The work group will be addressing the three main aspects of the proposed NTEP Conformity Assessment Program.

1. Improving the Certificate of Conformance – This aspect will involve two main efforts:
  - a) Review and improve the format and information provided on an NTEP Certificate. The NTEP labs will be asked to participate in this effort with a goal of creating certificates that are uniform, easily understood, and contain necessary information for conducting thorough verifications, both initial and subsequent. This could include more detail on models covered, standard and optional features, pictures, and other inspector aids.
  - b) Periodically review certificates on at least a ten-year basis. While the details are yet to be developed by the work group, the goal is to ensure that the information on the Certificate is as current as possible, that production meets type, and the type has been updated to meet requirements added to HB44 since the Certificate was issued. The Board is considering adding a “review date” to the Certificate that will be 10 years after the last laboratory evaluation and test. The manufacturer will be responsible for initiating the review process by that date, i.e., device in the queue. Failure to initiate the review will result in the Certificate going inactive. This review process will require a phase-in period. The review date would be added immediately to all certificates being issued for current evaluations. If a lab evaluates and tests a device to produce an addendum to an existing Certificate, the revision date would be added at that time and set to ten years from that revision date. The revision date would not reset for paper amendments or editorial corrections. The Board has discussed a process that would begin in January 2005 to update existing Certificates. NTEP staff would identify those Certificates with no review date, starting with the oldest Certificates. Each year, a number of certificates would then be selected for review based on the capabilities of NTEP staff and the labs. It is anticipated that by January 2008, all existing certificates will have an established review date. Also by January 2008, the review process will be on schedule such that all certificates with an assigned review date prior to January 1, 2008, will have been reviewed or will be in the queue to be reviewed. NTEP would establish new fees to cover the cost of said evaluations, while labs would charge normal hourly rates for their work.
2. Improving the Initial Verification System – this aspect will involve two main efforts:
  - a) Create a core group of evaluators across the country that will conduct thorough initial verifications. This process would include some training of inspectors to become technical experts on certain types of devices and having these inspectors conduct the initial verifications of new devices installed within their jurisdictions.
  - b) Create a data collection system to collect data on initial verifications performed by this core group of inspectors to support the Conformity Assessment efforts. This data would be maintained by NCWM and would be used solely for that purpose.
3. Verified Certification of Manufacturer Facilities Responsible for Influence Factor Compliance – This aspect is directed at conformance issues that cannot be verified in initial verification. The program would require that the manufacturer provide NTEP with certification that they have a quality assurance program in place and are taking the necessary steps to ensure that their production devices comply with the influence factor requirements. The present model calls for this to be site specific to the site where the quality control system verifies compliance. The Board is looking at a 2006 implementation date.

## **NCWM Organizational Structure**

The Board reviewed the input of the membership on this issue. The membership expressed their support for any needed changes, provided that the work normally handled by the A & P Committee is reassigned. The Board did not hear any negative comments concerning this issue. Chairman Ross Andersen met with the A & P Committee during the week and reassured them that the work that the Committee had traditionally handled would be reassigned to task forces and work groups. Noting that much of the work traditionally handled by this committee need not be constrained by the Interim/Annual meeting schedule, the Board felt that much more can be accomplished if pieces of the work are tasked to different work groups. One important piece to be handled by a task force is the development of the National Training

Program curriculum. The Board also discussed how the Metrology Workgroup and Petroleum Subcommittee fit into the NCWM structure.

NCWM Bylaws, Section 2 - Standing Committees, states, "The Board of Directors may create and disband standing committees in the best interests of the Corporation." After reviewing this section of the Bylaws, the Board made the decision to disband the A & P Committee following the 2003 Annual Meeting. Current committee members will be asked to join a task force working on the National Training Program curriculum. The Board also determined that the Metrology Subcommittee and Petroleum Subcommittee would continue within the current structure without funding. If funding is needed, they will be asked to submit their budget requests as a part of NCWM's normal budgeting process.

## **National Training Program Curriculum**

Ross Andersen and Mike Cleary from the Board met with the A & P Committee and Henry Oppermann of NIST Weights and Measures Division (NIST WMD) to discuss the National Training Program (NTP). The Committee was asked to take on an assignment to develop a weights and measures training curriculum outline. This outline would serve as the master plan for a long-term effort to modernize the NTP. With a master plan, the NCWM could seek grants to develop the training materials, a good use for money that might come from Aves Thompson's Fair Measurement Act.

The outline would be used to organize the subject material in a hierarchy so that training materials and aids could be developed through a variety of sources (NIST WMD, state and local W&M jurisdictions, industry, etc) with minimal amounts of redundancy. A review of the current scale modules will quickly reveal that much of the material is repeated in each module. Rather than develop complete courses, the subjects in the outline would be discrete units of knowledge that could be presented independent of each other, yet still combined to cover a specific discipline. It is anticipated that many of the discrete units could be delivered through interactive CD-ROM or Internet formats and these units would have broad appeal across a variety of disciplines. Materials requiring instructor delivery would thus be reduced to maximize the use of instructor time with a student.

The NIST WMD is in agreement that a master plan is needed to improve the NTP. They have offered to assist the NCWM in this effort and to fund a meeting in the spring to bring together a work group on the subject. The NCWM Chairman has asked the current A&P members to work with NIST WMD in this effort. The initial plan is to exchange ideas via email to prepare and then meet at NIST to work through the layout of the curriculum outline.

The State of California reported that it is completing a series of general knowledge CD-ROM courses along the same type of organization. These courses cover a wide range of basic knowledge that would be applicable to almost every W&M official from the administrator to the field inspector. They have offered to allow the NCWM to use their efforts as a starting point to develop the training materials. The California courses contain specific references to their law and regulations and would have to be modified to a certain extent to make them more universal. The A&P Committee was provided with samples of some of the courses that have been completed thus far.

## **OIML**

The Board identified the U.S. commitment to OIML as an important issue in its strategic planning. In addition to our treaty commitments, it is vital that the U.S. avoid isolation from the international market in commercial measuring devices because of unique design requirements here. The Board has set goals to become more active in the international arena and is working toward this on several fronts.

The NCWM must increase its member awareness of OIML activities and how these affect the commercial devices being produced today throughout the world. In this regard it is important to recognize that OIML deals primarily with device design and type evaluation criteria. The OIML recommendations only indirectly affect field applications and verification procedures. The Board has a number of strategic objectives in this regard including:

- Consideration of current OIML recommendations whenever changes U.S. requirements are proposed.
- Comparisons of U.S. and OIML requirements, where possible, to identify conflicts. To resolve these conflicts, the NCWM should consider harmonizing with the OIML requirement or consider proposing changes to OIML requirements.

- Increasing W&M participation in the U.S. working groups as they review the ongoing work of the OIML technical committees and thus strengthen the U.S. position. Currently the working groups are primarily made up of the NIST staff and interested industry representatives.
- Considering bilateral agreements with other countries to accept type evaluation test data.

The NIST WMD has contracted a study of OIML recommendations R76 on Non-automatic Weighing Devices and R60 Load Cells. The draft of the study is available from NIST WMD on request. The Board will be asking that the NTEP Weighing Sector and the S&T Committee look carefully at the recommendations of the study. Many of the recommendations support changes to Publication 14 and HB 44 to harmonize with OIML and others support changes to OIML requirements. The timing is opportune since the OIML technical committees are looking to begin work on these documents this year. The U.S. Working Group on R117 Measuring Assemblies for Liquids other than Water is also working on a comparison of U.S. vs. OIML requirements as this Recommendation is also presently under review. This is a second opportunity to work toward minimizing conflicts between the U.S. and international standards.

The Board is looking closely at the OIML requirements for load cells, since the present NTEP test procedures are very close to OIML tests with only a few differences. Changing to the OIML tests might have very little impact on U.S. manufacturers who already conform to the international standards or on NTEP. Adoption of the OIML test procedures by NTEP would open the door to potential bilateral agreements to exchange test data with other national bodies (another strategic objective).

The Board also believes that the W&M community needs to gain a better understanding of OIML through education. The Board is working with NIST WMD to plan education sessions for this year's regional weights and measures association meetings. These sessions might help to reduce some of the anxiety that comes from a lack of understanding of the benefits of OIML.

## **Fair Measurement Act**

Ross Andersen will work with Aves Thompson to put together a work group to support Ave's efforts in this area. The Associate Members offered to help promote this issue through their trade associations. A paper detailing the talking points on this issue will be put together so that it can be forwarded to the trade associations.

## **Statistics Work Group**

The survey instrument is being finalized and will be released soon to gather some basic statistics on current programs. The immediate goal is to get data that can be used to support weights and measures programs as they compete for budget dollars, including some measure of economic impact on the U.S. marketplace. In addition, the workgroup will be requesting samples of data and reports currently compiled on program activities in our state and local programs. The information will be analyzed to find ways to gather national statistics that are uniform and meaningful in an effort to document the value of our programs. These statistics may be needed soon to support the Fair Measurement Act proposal.

## **Canadian Forum on Trade Measurement**

Chairman Ross Andersen and S&T Committee Chairman Will Wothlie recently attended the Canadian Forum on Trade Measurement representing the NCWM. The Trade Forum is somewhat similar to the NCWM as it offers an open forum for industry and the regulators to exchange views on important issues. Chairman Andersen reported to the Board his belief that NCWM should continue to fund participation in the Forum for the Chairman and the S&T Chairman. The NCWM needs to reciprocate where possible for the support Measurement Canada provides to our program. The Forum provides a perfect opportunity to do this. This year was the first time that the S&T Chairman attended the Forum. It is an opportunity to see the issues being raised there and learn from the Canadian discussions as well as provide input regarding U.S. deliberations on those subjects. A key area for Measurement Canada is OIML. Measurement Canada has expressed its interest in both influencing and adopting OIML R117 requirements. Canadian industry expressed concern that they were more concerned with U.S. requirements than OIML, since the United States is the major market for them. It was very important for them to hear that the NCWM also is interested in influencing and adopting OIML requirements. Gilles Vinet, Measurement Canada, expressed his appreciation to NCWM for their participation in the Forum and welcomed continued support from NCWM.

## Hypertext Handbooks

A decision was made discontinue production of the NCWM hypertext handbook CDs. Instead, the Board has decided to enter into a contract relationship with WinWam to resell their product.

## Financial

The Board reviewed the 2001/02 year-end audited financial report.

### Statement of Activities ending September 30, 2002

### 2003 Budget

#### Revenue and Support

Dues - government	\$ 81,065	\$ 82,000
Dues – associate	\$ 51,165	\$ 51,250
Associate member fund	\$ 15,460	\$ 15,365
NTEP	\$437,594	\$ 443,300
Interim Meeting Fees	\$ 20,765	\$ 22,950
Annual Meeting Fees	\$ 87,616	\$ 83,000
Publication Sales	\$ 24,062	\$ 35,500
Interest	\$ 9,758	\$ 7,500
Advertising	\$ 879	\$ 2,000
AMC Sponsorship	\$ 0	\$ 9,000
Total Revenue and Support	\$728,364	\$ 751,875

#### Expenses

##### Programs

Membership	\$ 9,821	\$ 10,875
NTEP	\$ 362,879	\$ 426,250
Interim Meeting	\$ 46,404	\$ 52,462
Annual Meeting	\$ 85,257	\$ 107,075
Publications	\$ 24,540	\$ 24,775
Newsletter	\$ 16,887	\$ 13,819
Total Programs	\$545,788	\$ 635,256

##### Management and general

Management Fees	\$ 46,000	\$ 46,500
Associate Fund	\$ 23,515	\$ 15,000
Board of Directors	\$ 18,382	\$ 28,000
Bank Fees	\$ 8,340	\$ 5,750
Website	\$ 6,812	\$ 16,885
Board Governance & CEO Symposium	\$ 5,637	-
Legal & Accounting	\$ 5,590	\$ 8,225
Telephone	\$ 2,998	\$ 2,500
Insurance	\$ 2,507	\$ 2,600
Office Supplies	\$ 1,080	\$ 1,000
Printing	\$ 973	\$ 900
Postage	\$ 99	\$ 250
Storage space rental	\$ 960	\$ 960
Total Management and general	\$ 122,893	\$ 130,070

<u>Total Expenses</u>	\$ 668,681	\$ 765,325
Change in net assets	\$ 59,683	(\$ 7,450)

## Meetings

The Board received positive feedback on the new format of the Interim Meeting. The new format will continue for future Interim Meetings. In addition, with one exception, there was positive feedback on the CD version of Pub 15. NIST WMD will continue to produce both Pub 15 & Pub 16 in the CD format. Hard copies of the publications will be available at the respective conference.

The Board continued the policy adopted last year to offer a one-time reduced registration fee for the annual conference to members from the region where the conference is being held and who are first time attendees. The reduced registration fee does not permit the attendee to vote on voting items and they must pay an additional fee for the Special Event.

### Future Meetings:

<u>Annual</u>		
2004	July 11-15	Hilton Pittsburgh & Towers, Pittsburgh, PA
2005	July 10-14	Hilton in Walt Disney World, Orlando, FL
2006		TBD
<u>Interim</u>		
2004	January 25-28	Hyatt Regency Bethesda, Bethesda, MD
2005	January 23-26	Fairmont Miramar, Los Angeles, CA
2006	January 22-25	Omni Jacksonville, Jacksonville, FL

## Nominating

The Nominating Committee submitted the following slate for the 2003/04 Board of Directors open positions. Chair –Elect, Dave Frieders, San Francisco, CA; Treasurer, Tom Geiler, Barnstable, MA; Directors: Stephen Pahl, TX, and Chris Guay, Procter & Gamble Co.

## Committee Appointments

The Chairman made the following appointments at the Annual Meeting:

Board of Directors - Dave Frieders, San Francisco, CA, to fill the vacancy created by the election of Dennis Ehrhart to Chairman Elect.

L&R Committee – James Cassidy, Cambridge, MA, replacing Pat D’Errico , NJ, whose term had expired.

S&T Committee – Michael Sikula, NY, replacing Mark Coyne, Brockton, MA, whose term had expired.

A&P Committee – Kenneth Dietzler, PA, to fill vacancy created by move of Michael Sikula to the S&T Committee.

A&P Committee – Cato Fiksdal, Los Angeles, CA, to fill vacancy created by move of Dave Frieders to the Board of Directors.

## NCMW/NIST WMD Relationship

The Board continues to work with NIST WMD to foster a productive partnership. NCWM and NIST WMD are examining each organization’s strategic plans for areas of commonality. Where these exist, the two organizations will explore ways to work together to accomplish these goals. The Board of Directors has invited Henry and his key staff to attend a portion of each spring and fall Board meetings to work together to identify areas of commonality and strategies to accomplish goals. The Board is looking closely at the roles of committee chairs, committee members and technical advisors. It has asked Henry Oppermann and WMD staff to update the job descriptions for technical advisors from the NCWM Executive Committee report of the 1993 Annual Meeting. There is also dialogue about areas where NIST WMD might be able to provide some funding support to the work of the NCWM.

## Membership

As of December 2002, NCWM had 2,606 members in the following categories:

State Government	852
Local Government	556
U.S. Government	35
Foreign Government	23
Associate	879
Foreign Associate	31
Retired	230

## Associate Membership Committee (AMC) Report

Chairman:	Darrel Flocken, Mettler-Toledo
Vice Chair:	Bill Sveum, Kraft Foods North America
Meeting Attendees:	23
Secretary/ Treasurer:	Mark Galletta, Nestlé-USA

### *Financial Condition*

Financial reports were reviewed. Of the \$6,000 AMC allocated for training last year, all but \$475 was spent. Using the new accrual accounting method, AMC starts the new fiscal year with \$32,356 balance remaining.

### *Elimination of AMC "Reserve Funds"*

In past years under the cash accounting method, AMC sought to allocate all funds with the exception of \$2,500 held in reserve to avoid a zero-balance/closed account. The reserve fund is no longer necessary. Since the NCWM operates under the accrual method of accounting, the funds collected each fiscal year should be dispersed in the same fiscal year. The AMC will review its policies and by-laws to see if any changes are necessary to eliminate this reserve.

### *Allocation of Funds*

#### NCWM-BOD Request

AMC reviewed the NCWM Board of Directors request to allocate \$9,000 to help offset costs associated with the NCWM Newsletter.

AMC approved the request with the caveat that the \$9,000 is considered a one-time allocation for the development of the newsletter. It is AMC's desire to allocate its funds toward training, scholarships or other special requests and that AMC funds not be requested to cover routine NCWM line-item operating expenses.

#### Training Scholarships

The AMC will make available to the NCWM the amount of \$10,500 to be administered by the A&P Committee. The A&P Committee must advise the AMC Board on the use of the money. The AMC Board will approve the monies use and make the funds available.

#### Special Event Funding

The AMC will make available to the NCWM a maximum sum of \$10,000 for the 2003 Annual Meeting Outing. In the event that the standard 60 percent contribution does not require the complete \$10,000, the remaining funds are to be returned to the AMC.

### *Industry Association Meetings*

AMC needs clarification on the status of NCWM policy regarding costs of meeting rooms for the various industry associations (e.g. ICPL, SMA) that meet during NCWM events. If these associations are charged for meeting room expenses, The AMC is prepared to discuss allocating funds for this purpose provided the AMC is not restricted in its policies or by-laws from doing so.

*Concern for W&M Programs*

AMC discussed concerns regarding jurisdictions facing reduction or elimination of W&M programs. AMC believes in the need for equity and uniformity in the marketplace and will explore potentials for various trade/industry associations (e.g., NFPA, GMA, SMA) to voice concern in these local jurisdictions.

*Newsletter Publication of Unofficial Documents*

AMC discussed the possibility of issuing a statement at the Annual Meeting outlining concerns put forth from ICPL on publication of unofficial guidance documents by NIST in the Newsletter. ICPL will prepare a draft.

*Expiring Terms*

Terms expire this year for Associate Members currently serving the L&R and A&P Committees. AMC members were asked to prepare nominations for the Annual Meeting.